

## DECISION MEMORANDUM

**TO:** COMMISSIONER KEMPTON  
COMMISSIONER SMITH  
COMMISSIONER REDFORD  
COMMISSION SECRETARY  
COMMISSION STAFF  
LEGAL

**FROM:** NEIL PRICE  
DEPUTY ATTORNEY GENERAL

**DATE:** MAY 5, 2010

**SUBJECT:** AMENDED APPLICATION OF TRACFONE WIRELESS, INC. FOR  
DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS  
CARRIER IN THE STATE OF IDAHO, CASE NO. TFW-T-09-01

On October 29, 2009, TracFone Wireless, Inc. (“TracFone” or “Company”) filed an Application, pursuant to Section 214(e)(2) of the Communications Act of 1934, for designation as an Eligible Telecommunications Carrier (“ETC”). *Application* at 1. TracFone is seeking ETC designation solely for the purpose of providing Lifeline service under its trade name SafeLink Wireless and will not seek funds from the federal Universal Service Fund. *Id.*

On January 15, 2010, Commission Staff submitted a decision memorandum recommending that the Commission deny TracFone’s Application. On February 5, 2010, the Commission issued an Order denying TracFone’s Application. *See* Order No. 30996.

On March 1, 2010, TracFone filed a Petition for Reconsideration and an Amended Application for ETC designation. On March 8, 2010, Commission Staff filed an Answer to TracFone’s Petition. Subsequently, TracFone submitted a letter withdrawing its Petition for Reconsideration and expressing its support for a process that would facilitate a Staff review and recommendation regarding its Amended Application within 60 days.

On April 26, 2010, Staff and TracFone filed a Joint Stipulation Regarding First Production Requests of the Commission Staff.

### **JOINT STIPULATION**


The aforementioned Joint Stipulation filed with the Commission allowed TracFone an additional seven days in order to respond to Staff's First Production Requests and contemplates a seven-day extension of the previously established deadline for comments regarding TracFone's Amended Application.

### **STAFF RECOMMENDATION**

Due to the large volume of information requested by Staff from the Company, Staff agreed in the Joint Stipulation to allow the Company additional time to respond to its Production Requests. Accordingly, Staff believes that an equivalent extension of the comment period is warranted in order to allow Staff adequate time to comment on the Company's extensive responses.

### **COMMISSION DECISION**

Does the Commission wish to issue an Amended Notice extending the previously established comment deadline by seven days?



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Neil Price  
Deputy Attorney General

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